

04-25-05

3732-H
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Docket: P/77-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric Polesuk

Serial No.: 10/072,528

Examiner: S. Willatt

Filed: February 8, 2002

Art Unit: 3732

For: READY TO USE HAIRCOLORING FOIL Dated: April 22, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§1.56 and 1.97(b) applicants submit the following information for consideration by the Examiner. On or about May 11, 2000, CVG Aluminios Nacionales S.A. formally known as Aluminios Nacionales S.A. exported a five inch pre-cut pop up foil sheet to the United States. The product was referred to as "interfolded sheets 5 inches x 500 sh. 12.7 M. The product was sold to a company called Sweet Paper Sales Corporation and shipped to their address in Los Angeles, California. A further product was sent to Sweet Paper in Atlanta, Georgia on or about June 22, 2000. Enclosed is a Declaration from the sales manager of CVG Aluminios Nacionales S.A. and the order forms relating to the same.

Sweet Paper is a master wholesale of paper and packaging products for the food service industry as indicated on their website, www.sweetpaper.com, and has no known dealings with the Beauty Industry. There is no evidence in the attached documents to

suggest, nor does applicant have any knowledge, that the product was ever used in the Beauty Industry or for any purpose claimed in the present patent application. The documents simply speak about a product sold to a foodservice company. Therefore, the product claimed in the patent application and the product described in the attached documents are used for two entirely different purposes.

Applicant does not believe that the activities described above impact the patentability of the claims in the application. The product sold by Aluminios Nacionales S.A. was sold to a company in the food service industry that is not in any way related to the beauty industry.

A check in the amount of \$180 is enclosed to cover the fee due.

"EXPRESS MAIL" Mailing Label No. **EV 656320024 US**

Date of Deposit: April 22, 2005

I hereby certify that this paper (and any document(s) attached herewith is being deposited with the United States Postal Service "Express Mail

Post Office to Addressee" service under 37 C.F.R. 1.10 on the

date indicated above and is addressed to the Commissioner

for Patents, P.O. Box 1450, Alexandria, VA 22313 on

April 22, 2005

Signature:

Name:


Debbie Broderick

Respectfully submitted,



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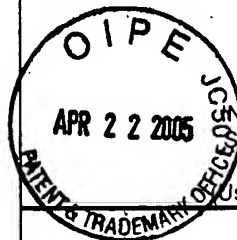
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Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
P/77-2SERIAL NO.
10/072,528INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
E. PolesukFILING DATE
February 8, 2002GROUP ART UNIT
3732

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Declaration from CVG Aluminios Nacionales S.A. and exhibits to same regarding pre-cut pop-up foil.

EXAMINER

DATE CONSIDERED

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.